

REMARKS

Claims 20-33 remain in this application with claims 20 and 27 being in independent format. Claims 20-27 and 30-33 have been amended. There is full support in the specification as originally filed for these amendments. Thus, no new matter has been introduced through these amendments.

Claim 20 stands rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, claim 20 stands rejected under §112, first paragraph, due to the use of the term "a compressive force". Applicant has amended claim 20 such that the §112 rejection is believed overcome.

Claim 20 also stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that "sheet-like molded" and "sufficient amount" are indefinite. Applicant has amended claim 20 as suggested by the Examiner. Thus, the §112 rejection is believed overcome.

Claims 25 and 32 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner contends that plurality is a relative term, thereby rendering the claim indefinite. The term plurality is defined in Webster's Dictionary as "a number greater than one" and Applicant believes that such definition renders the term plurality definite. As of March 31, 2003, a search on the USPTO web site for patents issued after 1976 having the term plurality in the claims resulted in 860,961 patents being uncovered.

In the subject invention, the claims clearly set forth that the color-containing thermoplastic resin system includes a plurality of particles, i.e., more than one particle. Based upon the definition of the term plurality and also upon the Applicant's usage of the term in the claims, the §112 rejection is respectfully traversed.

Claims 20-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,407,988 to Kogowski. The Examiner contends that the

'988 patent discloses granite-looking copolymers molded with colorants through an extruder. However, the '988 patent discloses a thermoplastic sheet formed by adding fibers to the thermoplastic material prior to extrusion. The fibers may contain pigments necessary to provide coloration to the sheet. The '988 patent does not disclose a thermoplastic sheet formed of an extruded thermoplastic material having a color-containing thermoplastic resin system bonded or adhered thereto. Also, the '988 patent does not disclose the thermoplastic resin system having a thermoplastic resin that is compatible with the extruded thermoplastic without the use of other adhesives. Accordingly, the §102(b) rejection is believed overcome.

Claims 20, and 25-27 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,059,471 to McNally, et al. The Examiner contends that the '471 patent discloses a thermoplastic material comprising a colorant. However, the '471 patent discloses a tile product having a thermoplastic base material. A first adhesive layer is applied to the thermoplastic base material. A plurality of chips is then sprinkled onto the first adhesive layer. A second layer is then applied on top of the plurality of chips. The second layer is then cured with the first layer to secure the chips to the first layer and to produce the sheet. The '471 patent does not disclose a thermoplastic sheet formed of a extruded thermoplastic having a color-containing thermoplastic resin system bonded or adhered thereto. Also, the '471 patent does not disclose the thermoplastic resin system having a thermoplastic resin that is compatible with the extruded thermoplastic without the use of other adhesives.

The subject invention includes the color-containing thermoplastic resin system having the pigment or dye and the thermoplastic resin. The thermoplastic resin is compatible with the extruded thermoplastic such that the thermoplastic resin bonds or reacts with the extruded thermoplastic to adhere the pigment or dye to the surface. Since, McNally et al. does not disclose such a thermoplastic sheet; the §102(b) rejection is believed overcome.

Applicant also believes that the claims, as amended, overcomes each of the Examiner's 35 U.S.C. §103(a) rejections. None of the references individually or in

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combination teach, suggest, or disclose the novel thermoplastic sheet of the subject invention as claimed.

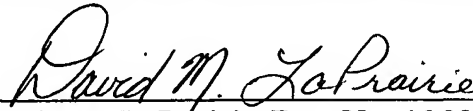
Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

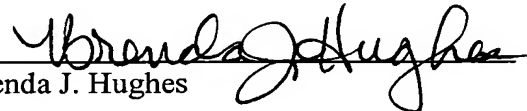
April 2, 2003

Date


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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to **Commissioner for Patents**, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 2, 2003.


Brenda J. Hughes

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